

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA,

v.

JOHN WAYNE SMITH (2),

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CASE NUMBER 6:16-CR-00040-RC

**ORDER ADOPTING FINDINGS OF FACT AND RECOMMENDATION
ON DEFENDANT'S GUILTY PLEA**

The court referred this matter to the Honorable John D. Love, United States Magistrate Judge, for administration of a guilty plea under Rule 11 of the Federal Rules of Criminal Procedure. Judge John D. Love conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued his Findings of Fact and Recommendation on Guilty Plea Before the United States Magistrate Judge. The magistrate judge recommended that the court accept the Defendant's guilty plea. He further recommended that the court adjudge the Defendant guilty on Count Nine of the Indictment filed against the Defendant.

The parties have not objected to the magistrate judge's findings. The court **ORDERS** that the Findings of Fact and Recommendation on Guilty Plea of the United States Magistrate Judge are **ADOPTED**. The court accepts the Defendant's plea but defers acceptance of the plea agreement until after review of the presentence report. The court **ORDERS** the Defendant's attorney to read and discuss the presentence report with the Defendant, and file any objections to the report **BEFORE** the date of the sentencing hearing.

It is further **ORDERED** that, in accordance with the Defendant's guilty plea and the magistrate judge's findings and recommendation, the Defendant, John Wayne Smith (2), is adjudged guilty as to Count Nine of the Indictment charging a violation of **21 U.S.C. § 841(A)(1)** - **POSSESSION WITH THE INTENT TO DISTRIBUTE OR DISPENSE (METHAMPHETAMINE, COCAINE, HEROIN, CRACK COCAINE, MARIJUANA).**

So Ordered and Signed

Jan 26, 2017



Ron Clark, United States District Judge